

B1

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/733,370	IMURA, KENJI	
	Examiner	Art Unit	
	F. L. Evans	2877	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed on December 12, 2003.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date <u>0604, 0405, 0805</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____.</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
|--|---|

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), which papers have been placed of record in the file.

### *The Information Disclosure Statements*

The prior art cited in the information disclosure statements filed on June 14, 2004, April 8, 2005 and August 8, 2005 has been considered.

### *Allowable Subject Matter*

Claims 1-23 are allowed over the prior art of record.

### *The Examiner's Statement of Reasons for Allowance*

The following is an examiner's statement of reasons for allowance:

As to independent claims 1 and 19, the prior art of record, taken alone or in combination, fails to disclose or render obvious a calibration system comprising a wavelength estimator which estimates a wavelength of the emission-line output from relative outputs of the light receiver at a plurality of measurement wavelengths neighboring the emission-line wavelength when the spectral luminometer measures the emission-line output of the calibration light source and a wavelength calibrator which calibrates the wavelength of the spectral luminometer by estimating a wavelength change amount from a difference between the estimated wavelength of the emission-line output and the known emission-line wavelength, in combination with the rest of the limitations of the claims.

As to independent claims 20 and 21, the prior art of record, taken alone or in combination, fails to disclose or render obvious a calibration system comprising a light receiver output estimator which estimates an output of the light receiver from the spectral intensity distribution estimated by the spectral intensity distribution estimator and the sensitivities of the respective photoelectric conversion elements of the light receiver when the spectral luminometer measures the output light of the incandescent light

source; a calculator which calculates a ratio of the estimated output of the light receiver to an actual output of the light receiver for each photoelectric conversion element and a sensitivity calibrator which calibrates the sensitivity of the spectral luminometer based on the calculated ratio for each photoelectric conversion element, in combination with the rest of the limitations of the claims.

As to independent claim 22, the prior art of record, taken alone or in combination, fails to disclose or render obvious a method for calibrating a spectral luminometer comprising the steps of estimating a wavelength of the emission-line output from relative outputs of the light receiver at a plurality of measurement wavelengths neighboring the emission-line wavelength and calibrating the wavelength of the spectral luminometer by estimating a wavelength change amount from a difference between the estimated wavelength of the emission-line output and the known emission-line wavelength., in combination with the rest of the limitations of the claim .

As to independent claim 23, the prior art of record, taken alone or in combination, fails to disclose or render obvious a method for calibrating a spectral luminometer comprising the steps of estimating an output of the light receiver from the estimated spectral intensity distribution and the spectral sensitivities of the respective photoelectric conversion elements of the light receiver; calculating a ratio of the estimated output of the light receiver to an actual output of the light receiver for each photoelectric conversion element and calibrating the sensitivity of the spectral luminometer based on the calculated ratio for each photoelectric conversion element, in combination with the rest of the limitations of the claim .

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Fax/Telephone Numbers***


Any inquiry concerning this communication or earlier communications from the examiner should

Art Unit: 2877

be directed to the examiner whose telephone number is (571) 272-2414.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext 77. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**F. L. EVANS**  
**PRIMARY EXAMINER**  
**ART UNIT 2877**

fle  
May 24, 2006